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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUSSELL LEBARRON, an individual;

Plaintiff,

vs.

INTERSTATE GROUP, LLC; DOES I
through X; and ROE Corporations XI
through XX, inclusive,

Defendant.

INTERSTATE GROUP, LLC;

Counterclaimant,

vs.

RUSSELL LEBARRON,

Counter-Defendant.

Case No.: 2:19-cv-01739-JCM-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(First Request)

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES

A. DISCOVERY COMPLETED:

Both parties have exchanged their initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A). Plaintiff/Counter-Defendant Russell LeBarron ("Plaintiff") served his initial disclosures on November 13, 2019 and his first supplemental disclosures on February 7, 2020. Defendant/Counter-Defendant Interstate Group, LLC ("Defendant") served its initial disclosures on November 13, 2019, its first supplemental disclosures on January 23, 2020, and its second supplemental disclosures on March 26, 2020. Defendant responded to

1 Plaintiff's first sets of requests for production of documents on April 8, 2020. Defendant
2 responded to Plaintiff's first set of interrogatories and first set of requests to admit on April
3 10, 2020 and April 22, 2020, respectively. Plaintiff responded to Defendant's first set of
4 interrogatories and first and second sets of requests to produce on February 7, 2020.
5 Plaintiff and Defendant met and conferred. Plaintiff is supplementing such discovery
6 responses per such meet and confer.

7 **B. STATEMENT SPECIFYING THE DISCOVERY THAT REMAINS TO BE**
8 **COMPLETED**

9 Defendant anticipates taking the deposition of Plaintiff Russell LeBarron. Plaintiff
10 anticipates taking the deposition of Defendant Interstate Group, LLC pursuant to Federal
11 Rule of Civil Procedure 30(b)(6). Plaintiff also anticipates taking the depositions of
12 individuals with knowledge of the facts and circumstances surrounding the allegations in
13 the Complaint. Such individuals are anticipated to include Michael Snow, Wes Smith, Alex
14 Mandujano, Clay Baillie, and Cesar Fernandez.

15 **C. THE REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN**
16 **THE TIME LIMITS SET BY THE DISCOVERY PLAN**

17 The original close of discovery was to take place on June 1, 2020. ECF No. 16, p.
18 1.

19 On February 14, 2020 (Valentine's Day), Plaintiff's lead counsel's immediate family
20 member suffered a medical emergency, requiring intubation. This family emergency has
21 necessarily required a great deal on Plaintiff's lead counsel's time and attention. Further,
22 as the Court is well aware, on or about March 12, 2020, Nevada Governor Steve Sisolak
23 declared a state of emergency in Nevada due to the outbreak of the COVID-19 virus. On
24 or about March 17, 2020 Governor Sisolak issued the Nevada Health Response COVID-
25 19 Risk Mitigation Initiative.

26 Despite these exigent circumstances, the parties have been actively litigating this
27 matter. On or about October 14, 2019, Defendant filed its Answer and asserted a
28 Counterclaim against Plaintiff. ECF No. 9. On or about January 7, 2020, Plaintiff moved to

dismiss such Counterclaim. ECF No. 20. Plaintiff also sought leave from the Court to amend his Complaint on or about March 3, 2020. ECF No. 32. The Court then granted Plaintiff leave to amend (ECF No. 35), and on April 1, 2020, Plaintiff filed his First Amended Complaint (ECF No. 36). On or about April 17, 2020, Defendant files its Answer to Plaintiff's First, Second, and Third Causes of Action and brought a Counterclaim. ECF No. 40. That same day, Defendant also brought a Motion to Dismiss Plaintiff's Fourth Cause of Action. ECF No. 41. Plaintiff filed his response to such Motion on or about May 1, 2020. ECF No. 42. Defendant filed its reply on May 12, 2020. ECF No. 47. Plaintiff answered the counterclaim on May 8, 2020.

The parties also held a telephonic meet and confer conference on or about March 20, 2020. The parties continue to work together in attempts to resolve outstanding discovery issues.

The parties have agreed to extend deadlines. This request is not sought for any improper purpose or other reason of delay. No party is prejudiced by the requested extension.

D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

1. Discovery Cut-Off

The discovery cut-off shall be extended from June 1, 2020 to **Monday, August 31, 2020** (August 30, 2020 falls on a Sunday).

2. Amending the Pleadings and Adding Parties

The deadline to move to amend the pleadings and parties has closed. No such request to amend the pleadings and parties is requested.

3. Expert Disclosure

The deadline to name initial experts has closed. No such request to disclose experts or rebuttal experts is requested.

4. Dispositive Motions

In accordance with Local Rule 26-1(b)(4), the last day for filing dispositive motions

including, but not limited to motions for summary judgment, shall be extended from July 1, 2020 to **Tuesday, September 29, 2020**.

5. Pre-Trial Order

In accordance with Local Rule 26-1(b)(5), the last day to file a Joint Pre-Trial Order, including any disclosures pursuant to FRCP 26(a)(3), shall be extended from July 31, 2020 to **Thursday, October 29, 2020**. In the event dispositive motions are filed, the date for filing the Joint Pre-Trial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or upon further order by the Court extending the time period in which to file the Joint Pre-Trial Order.

6. Fed. R. Civ. P. 26(a)(3) Disclosures

If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties shall file the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto with the Pretrial Order pursuant to LR 26-1(e)(6) in the Joint Pretrial Order, not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than **Thursday, October 29, 2020** (extended from July 31, 2020).

7. Interim Status Report

The parties previously submitted their interim status report on April 2, 2020. ECF No. 37. No such request to file a second status report is requested.

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8. Trial and Calendar Call

No trial has been set in this matter.

Dated this 22nd day of May 2020.

Dated this 22nd day of May 2020.

Respectfully submitted,

Respectfully submitted,

/s/ Christian Gabroy

/s/ Malani L. Kotchka

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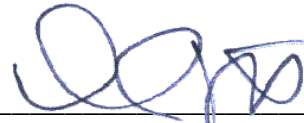
*Attorneys for Plaintiff/Counter-
Defendant*

Attorney for Defendant/Counterclaimant

IT IS SO ORDERED.

5/26/2020

Date



Daniel J. Albregts
United States Magistrate Judge